

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

SAMUEL ANTHONY GONZALES,)
vs.)
Plaintiff,)
)
)
)
)
)
LARRY ADAMS and)
WARDEN ERIC FRANKLIN,)
)
Defendants.)
)
No. CIV-11-661-C

ORDER ADOPTING REPORT AND RECOMMENDATION

This civil rights action brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Valerie K. Couch, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Couch entered a Report and Recommendation on August 9, 2011, to which Plaintiff has timely objected. The Court therefore considers the matter de novo.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. In his objection, Petitioner merely restates the conclusions and legal argument originally asserted, raises nothing whatever that was not fully and accurately addressed and rejected by the Magistrate Judge.

Accordingly, the Court adopts the Report and Recommendation, in its entirety, and for the reasons stated therein, this action is dismissed based on Plaintiff's failure to state a claim upon which relief may be granted. Because no amendment could remedy the defects

noted herein, a judgment will enter on behalf of Defendants. Moreover, this dismissal counts as a “strike” pursuant 28 U.S.C. § 1915(g).

IT IS SO ORDERED this 31th day of August, 2011.



ROBIN J. CAUTHRON
United States District Judge